

## Silver and Lead.

Silver, 65¢ per ounce.  
Copper, 15¢ per pound.  
Lead, 10¢ per hundred.  
New York exchange, \$1.37 1/2; New York brokers, \$1.

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# GRAND CENTRAL WINS SUIT AGAINST MAMMOTH

### Law of Extralateral Rights Not Applicable to Mammoth Vein.

### Judge Higgins Decides that Grand Central Owns the Ore Within Its Territory.

In an opinion handed down yesterday Judge Higgins of the Fifth judicial district found the issues for the plaintiff in the suit of the Grand Central Mining company against the Mammoth Mining company. Judge Higgins in the case was decided in favor of the plaintiff. Judge Higgins decrees that the Grand Central owns all of the ore in dispute and that it has a right to recover the value of the ore taken out of the Silveropolis and Consort claims by the Mammoth people.

In order to ascertain the value of this ore a special referee was appointed, Charles W. Boyd of Salt Lake. Mr. Boyd will take testimony and find exactly how much is due from the Mammoth to the Grand Central. He will report this amount to the court and a judgment will be entered for it against the Mammoth.

**Effect on the Stock.**  
On the strength of the decision Grand Central stock advanced \$1 per share on the curb, the news not having reached the city before the close of the day. On the exchange from 10 o'clock the price quoted on the exchange, bids were made up to \$5.00 and there were indications that the stock would go higher for no holder could be found who was willing to sell. It was freely predicted that Grand Central would set out on the opening of the Monday morning.

No trading was done in Mammoth stock, but it was offered at from 5 to 10 cents per share lower than the exchange figures. Its holders do not anticipate any very decided slump for the reason that the very rich ore bodies recently broken into in the Mammoth are not in the disputed ground. This will have the effect of holding the stock up to practically its usual figure.

The case will be carried up to the supreme court, and eventually to the United States. Judge Higgins' opinion covers four pages of the Utah State Reporter. The first four pages are devoted to a resume of the issues involved. As is well known, the Grand Central in September of last year filed suit against the Mammoth to recover \$300,000, the value of ore taken out of its Silveropolis and Consort claims by the Mammoth. At the same time an order was asked and granted restraining the defendant from taking out any more of the ore.

Some time later the Mammoth filed an answer and cross complaint setting out its claim that the very rich ore bodies and asking judgment against the Grand Central for \$200,000, the value of ore taken out of its Silveropolis and Consort claims by the Mammoth. The Mammoth based its answer on the allegation that the apex of the vein was in its territory and it had a right to follow the ore no matter where it led.

**Judge Higgins' Opinion.**  
Judge Higgins' opinion is in part as follows:  
"The plaintiff presented two propositions as grounds of defense, the first of which established must defeat the contention of the defendant that it has the apex of the vein in which are found the ore bodies in dispute. Such defenses may be stated as follows:  
"First—That the apex of the vein starting at the south end of the Mammoth vein and extending northward to the Silveropolis extended easterly.  
"Second—That the apex of the vein strikes the Mammoth ground at the north end of the Cunningham slope, from which point it has a course of 70 degrees, thence north 10 degrees west and into the Grand Central grounds.

**Experts Disagreed.**  
The evidence of the witnesses for the respective parties with reference to the apex of the vein is irreconcilable, and no theory upon which the apex of the vein is located is supported by the testimony of the experts. The testimony of the experts is so conflicting that it is impossible to reach a conclusion as to the location of the apex of the vein. The testimony of the experts is so conflicting that it is impossible to reach a conclusion as to the location of the apex of the vein.

**Not a Contact Vein.**  
Another would the same rule apply to a contact vein. Proof of the continuation of the vein in the case of the latter would be furnished by the testimony of the experts, even though the distance between the two veins is considerable. The testimony of the experts is so conflicting that it is impossible to reach a conclusion as to the location of the apex of the vein.

**Vein Becomes Barren.**  
"Arising upon this reasonable hypothesis, the defendant, the Mammoth Mining company, has expended thousands of dollars in running drifts and crosscuts on each level of its mine from the bottom tunnel to the top with the expectation that its vein would be encountered, yet while some ore

# LIVES ARE LOST BY THE SCORE

### Storm Sends Vessel After Vessel to Destruction.

### ENGLISH CHANNEL SWEEPED BY TEMPEST

### Harve is Great on Land and Sea.

London, Dec. 28.—There has been a recurrence of the storms and violent gales in the channel and considerable damage has been wrought ashore.

Incessant reports of innumerable shipping casualties show that the gale was one of the worst known in many years. Probably several days will elapse before the full damage becomes known.

In addition to some vessels not yet identified, several have been wrecked or placed in great danger. The fate of some of the cross-channel steamers is in doubt. For instance, the Great Western Railway company's steamer, playing between Milford and Waterford, is twelve hours overdue, and no tidings of her have yet been received. It would be impossible to enumerate all the minor casualties.

A terrible accident took place near Tauton. The breakwater at Watchet harbor received the force of the gale and became a wreck, permitting a tremendous sea to have full play against the shipping in the harbor. Several vessels broke apart, two foundered and five others were driven into a hopeless tangle at the corner between a pier and a wharf, where they lay grinding each other. Their masts and hulls were gravely battered. The damage will reach many thousands of pounds.

The Austrian bark Capricorn was driven ashore near Bude, Cornwall. Nine of the crew were drowned, one was saved and four are still on board, with little likelihood of being rescued, as they are unable to avail themselves of the rocket apparatus. Two other vessels are ashore on the Cornwall coast.

Several were stove in at Ilfracombe harbor. The bark Pagna was wrecked off Tremore, near Cardiff, three of her crew being drowned and nine others being rescued by rocket lines.

Her majesty's steamship Black Prince, on her way to the Mediterranean, was wrecked at Portmouth, where she was badly damaged.

Wales appears to have suffered the worst effects of the gale, both on land and sea, but everywhere the telegraph wires are much disorganized and reports are therefore incomplete.

Considerable damage to property inland is certain to be reported. Some fifty barges and sailing crafts broke from their moorings in the Thames alone.

At Oswestry a theater was destroyed. The Primrose Hill went on the Penrhos rocks, three miles off South Stack (not far from Holyhead). She broke in two and went to pieces in a few minutes. One man out of the crew of thirty-five men was saved by a life boat.

**Storms Hit France.**  
Paris, Dec. 28.—Storms of extreme violence have swept the west and north coasts of France, and there has been some loss of life, together with considerable damage to shipping.

**Storm in Mountains.**  
Men and Animals Are in Great Peril.  
Valenzuela, Col., Dec. 28.—Blizzard has been raging in this part of the state during the past thirty-six hours. Cattlemen expect to lose much stock on the range.

**Mercury Reaches Freezing at Dallas.**  
Dallas, Tex., Dec. 28.—A fierce blizzard, which began at midnight, extended over the northern and western half of the state. The mercury is down to the freezing point at Dallas and growing colder.

**Storm Hits Texas.**  
Mercury Reaches Freezing at Dallas.  
Dallas, Tex., Dec. 28.—A fierce blizzard, which began at midnight, extended over the northern and western half of the state. The mercury is down to the freezing point at Dallas and growing colder.

# MAILED TREES GET \$100,000

### Valuable Pouch is Stolen from Passenger Station.

### CARELESSLY THROWN UNDER A SEAT

### Crime is Not Discovered Until Next Day.

Detroit, Mich., Dec. 28.—A mail pouch containing \$100,000 in negotiable paper and an unknown amount of money was stolen from the Michigan Central passenger station at Wyandotte, Mich., some time last night.

The last mail for Wyandotte arrived at 10:28 on the Michigan Central, and owing to the lateness of the hour, it is left at the station until morning. When the two mail sacks were thrown from the train last night, Night Operator Richerth threw the pouches under a seat in the corner of the waiting room. He then went to his home in Detroit.

Today when Mail Carrier John McCleary came to the station for the mail sacks, he missed one. The same time George Bessy, a driver of an oil wagon, reported to the station that a pouch, ripped open and empty, was behind an oil tank a short distance from the station.

Two employees of the J. B. Ford & Co. works, found a number of checks and opened envelopes strewn along the railroad tracks leading to the station.

Postmaster Johnson of Wyandotte, was notified and went at once to the scene. The trail of the thief was marked by a trail of checks and drafts strewn along the tracks. J. B. Ford, Jr., said he expected a draft today from New York for \$40,000. The draft was not there, and it is believed that the robber or robbers took it, with other valuable papers from the pouch.

**JAPS POUR IN THROUGH FRAUD**  
Chicago, Dec. 28.—A special to the Record from Vancouver, B. C., says: John Jatchon, agent of the United States immigration department at Tacoma, left today for Washington, where he will lay before the authorities the details of a complete system of fraud perpetrated in the United States.

Custom laws at the international boundary line between here and Seattle. The Immigration Service at Vancouver, B. C., has been lately unearthing the facts of how a large number of Japanese laborers were railroaded across the border.

The Japanese have been hired out to farmers in Washington and Oregon through large Japanese contractors.

Months ago Secret Service Officer Sargent was sent from Washington, and with the inspector here, has been making a full investigation. His report states that about 1,700 indigent Japanese in all have been taken across since August.

**FIRE AND DYNAMITE KILL THREE CHILDREN**  
Olympia, Wash., Dec. 28.—The three children of L. Lavery, a daughter aged 4 years, a son aged 2 and a 6-months-old infant, were killed by dynamite near here. The parents were temporarily absent, leaving a hired man at work cutting wood about 200 yards from the house.

A few minutes after the party had left he discovered the house on fire. Before he could reach the scene an explosion occurred, supposed to be of dynamite, and the house was blown to pieces. The building was entirely consumed and the bodies of the two eldest children were found where they perished in a pile of ruins. The infant was in the cradle in the front room. A few charred bones were all that was left.

**DEMENTED HERMIT LEAVES FORTUNE**  
Springfield, O., Dec. 28.—Forty-five thousand dollars in government bonds, with the coupons still attached, and running back for years, were found yesterday in a chest in a hut occupied by Hermit Ypsilanti Smith, who died a few days ago. He had lived near Chester, 30 miles from here, for forty years, and was not known to have a cent.

His mind was deranged years ago by the death of his wife. His pension vouchers, amounting for years, were all so found, amounting to about \$2,500.

**GOLD IS FOUND IN CROP OF GOOSE**  
Vancouver, B. C., Dec. 28.—A mild sensation has been caused in New Westminster by the discovery of \$125,000 in coarse gold as big as flaxseed in the crop of a wild goose, which was killed at Pitt Lake, twenty-eight miles from Westminster.

Many prospectors have started for the scene of the supposed gold placers.

# DEWET AGAIN BORED AGAIN

### British Eagerly Snatch at the Report.

### ANOTHER ACCOUNT HAS HIM AT SENEKAL

### Accused English General Demands an Inquiry.

London, Dec. 28.—Persistent reports are in circulation in London and on the continent that General Dewet has been captured. The British chartered South Africa company received this information from a source in which it is accustomed to place implicit confidence. The war office, however, is without any confirmation of the report.

**Dewet Fails to Break Through.**  
Cape Town, Dec. 28.—General Dewet's attempt to break through the south has been frustrated, and he is now reported to be at Senekal with a large command, holding the country between Frickburg, Senekal and Windburg.

General Knox is holding the south between Ladybrand and Windburg. The eastern parties of invading Boers are being constantly harassed and driven back toward the Orange river. The yeomanry who were captured near Britstown have been released.

**ASKS A COURTMARTIAL.**  
London, Dec. 28.—A dispatch from Plymouth announces the arrival there of General Sir Henry Colville, whose resignation has been demanded by the war office, but who has refused to resign and who has come to England from Gibraltar to demand a court martial with reference to the responsibility for the yeomanry disaster at Lindley last May.

Colville, it will be remembered, went out to South Africa in command of the first brigade of the military division. He was bitterly blamed by nearly all war correspondents for not moving more quickly to the aid of Colonel Broadwood on the occasion of the ambush at Sannas post and he was accused of not marching to the assistance of the Imperial yeomanry when the Lindley disaster occurred. Shortly afterward he left South Africa and received the command of an infantry brigade at Gibraltar. The Times says that General Colville's conduct and Mr. Broderick finds himself unable to agree with the war office's version of the facts.

Lieutenant Colonel Sprague, who commanded the yeomanry at Lindley, has been gazetted, among them being that of Ivor Guest, a captain of yeomanry. The latter is the eldest son of Lord Windham, who belongs to the Dorsetshire Yeomanry cavalry, and is one of the members of parliament in the conservative interest from Plymouth.

Some officers have resigned from almost all the fifteen battalions of the yeomanry. Captain Lord Alwyn Frederick Compton among them. This raises a doubt as to whether the resignations are connected with the Lindley disaster or are merely in the line of routine retirement, especially as a fortnight ago the secretary of war, Mr. William St. John Lubbock, announced in parliament that the court martial inquiry had entirely exonerated the yeomanry from blame.

**Roberts Reaches Gibraltar.**  
Gibraltar, Dec. 28.—The steamer Canada, with Lord Roberts on board, arrived here from South Africa today. The field marshal landed at noon and received a great ovation.

On his voyage to Gibraltar, the Portuguese consul met Lord Roberts and on behalf of the king of Portugal, expressed regret that there had not been time to send a Portuguese warship to greet him.

**Botha Predicts Long War.**  
Rome, Dec. 28.—Major General Botha, brother of Commandant General Lewis Botha, has arrived in Rome on his way to The Hague. He carried dispatches for Mr. Kruger. In the course of an interview here today he said the war in South Africa would last for years, that Mr. Steyn had planned the invasion of Cape Colony, and that a revolt of the Afrikaners was certain.

**WOULD MAKE GUAM A ST. HELENA**  
(Special to The Herald.)  
Richmond, Ind., Dec. 28.—General Leland Wallace says it will take 1,000 years to pacify Philippines at the present rate.

He wants every hostile Filipino captured and sent to the island of Guam on a wild desolate place to keep them until the end of the war.

**OFFERED MORRIS' JOB.**  
Fred Rittman of Cleveland Given the Vacant Auditorship.  
Washington, Dec. 28.—The president has tendered Fred Rittman of Cleveland, O., the position of fourth auditor of the treasury, made vacant by the tragic death of Auditor Morris. Rittman for fifteen or twenty years has been engaged in the banking business in Cleveland and previously was auditor of railroad accounts.

The condition of Samuel MacDonald, who killed Auditor Morris, is considered worse today. The change is due to a renewal of his efforts to thwart the measures necessary for his recovery. He refuses to take nourishment, and his condition is growing steadily worse. He is now in the hospital at present, owing to the illness of two of his members.

**New League is Formed.**  
Chicago, Dec. 28.—At a meeting held today in the Great Northern hotel, the Western association of professional baseball clubs was formed. No officers were elected, this action being deferred until next Wednesday, when an adjourned meeting will be held in this city. The members of the association so far determined upon are: Kansas City, Minneapolis, Detroit, Louisville and Toledo. Eight clubs in all will comprise the association, but those present at the meeting today declined to say what the three other cities would be, saying that they would be taken from a list of half a dozen which made applications.

# EMPEROR KWANG HSU IS SAID TO BE SUPPLANTED

### Dowager Said to Have Appointed Merc Boy in His Stead and Sent Him Away.

### Boxers Active in Corea—Famine in Shansi Is So Severe Natives Are Eating Each Other.

London, Dec. 29.—"Private advices from the Province of Shan Si say," writes the Shanghai correspondent of the Standard, "that while the court was sojourning at Tai Yuen Fu the empress dowager secretly appointed a new emperor, with the title of Ting Hsu. He is a 15-year-old boy, who was taken to Sian Fu in the imperial yellow chair.

"This explains the permission given Kwang Su to return to Peking. "Emperor Kwang Su has notified the reform party that he is returning to the capital and will need their assistance."

**BOXERS ACTIVE IN COREA.**  
Massacre of All Foreigners is Ordered.  
Victoria, B. C., Dec. 28.—News is brought by the Rialta Maru that Boxer proclamations have been found in Seoul, calling on Korean Boxers to expel all foreigners, including Japanese. Similar proclamations have been issued by Hui Yung Hick and party. The anti-foreign movement in Corea is reported to be increasing in such a manner as to cause much uneasiness. In South Corea two missionaries were assaulted and robbed of all they had.

**HUMAN FLESH IS SOLD.**  
Famine in Shansi Leads to Cannibalism.  
Vancouver, B. C., Dec. 28.—Steamer advices say that the famine in Shansi is increasing and is causing much cannibalism. Human flesh is offered for sale, and officials are unable to prevent it.

**AMERICANS AT WAR AGAIN.**  
Expedition Starts Out Against the Chinese.  
Berlin, Dec. 28.—The war office has received the following dispatch from Count Von Waldersee:

"Peking, Dec. 27.—A column commanded by Major Von Mail will start tomorrow for Shan Ho Sien to co-operate with the Grueher expedition, which left Tien Tsin, Dec. 19, for Tuen Tien Tsin.

"An American detachment will leave Peking tomorrow via Hailang Ho Hsien with the same object. The Chinese who were defeated by the French Dec. 22, fled in a southerly direction."

**PROF. FINLEY SUGGESTS ORDINARY TERRITORIAL GOVERNMENT FOR PORTO RICO**  
Ann Arbor, Mich., Dec. 28.—President Angell, of the University of Michigan, extended a warm welcome to the economists and historians who came from Detroit today to hold joint sessions of the American Historical association and the American Economic association.

Professor Paul S. Reinsch of the University of Wisconsin, was unable to be present, but his "paper on the Political Assimilation in the West Indies," was read by his colleague, Professor Chas. H. Haskins, of the same university.

Professor H. M. Stephens of Cornell, gave a brief talk on the turning points in the history of British administration in India, which he said was stimulated by a synopsis of his forthcoming work on the subject.

Professor J. A. Finley of Princeton, discussed the Porto Rican policy. He argued against the complete independence of the island, or its admission as a state.

The result of a brief period of observation and experiment was thus stated: "First—If this island were left a dependency and its people given complete self-government, they would make no progress and would doubtless retrograde; but independence is not desired by the islanders.

Second—They are not ready for statehood in the present form of insular government that does not as strongly support the organization and administration of the island as a territory of the United States (unless it be possibly one of revenue), for they would be or might be practically the same and, indeed, even experiment would seem to commend the other, which would not only be more acceptable to the islanders themselves, but more consonant with our past and certainly not more menacing to our future."

The afternoon Professor Edmund James of the University of Chicago, read a paper on "The Relation of the Universities to Commercial Education," read by Professor L. M. Keasby of Bryn Mawr, on "The Study of Economic Geography," was read, also a paper by Professor Charles H. Haskins of New York, on "The Economic Accounts in Collegiate Commercial Education."

return to England and the United States, as in the days of the Terror, to find a refuge against the iniquity of Catholic France.

"The association's bill is the negation of all the laws of liberty. I, the French government will not renounce the service I am still able to render her. Several times recently I have been seized by the head and a powerful state to permit the rights of France in the far east to be disregarded. I have refused, although compensation were offered to the church. But if the refusal is impossible, are to be suppressed, what answer shall I give in a day when similar proposals are made?"

It is probable that electricity will be recommended for motive power. Lieutenant Governor Timothy L. Woodruff, who is in the city, is positive that the recommendations will be agreed to by the legislature, for he assessed the already existing laws. If the legislature passes it the measure will go before the people next fall.

**FORTIETH INFANTRY IN A LIVELY CAMPAIGN**  
Manila, Dec. 28.—A pushing campaign has been carried on by the Fortieth Infantry during December in northern Mindanao. The town of Jimenez was captured, as was also the insurgent stronghold in the mountains further inland. The coast town of Langurim was captured by a detachment of 500 troops, who scattered the enemy in that vicinity, killing and capturing several. A portion of the troops thus engaged have returned to Cagayan and joined in the campaign which Brigadier General Kobbe is personally prosecuting.

General MacArthur's proclamation is resulting in many arrests of alleged insurgents in Manila and vicinity, a few of those taken into custody being returned to the United States.

One prisoner was shot dead and another wounded in attempting to escape.

## Weather Today.

Forecast for Salt Lake Today is:  
-Fair; slight changes in temperature.